

AMENDED IN ASSEMBLY APRIL 10, 2008

AMENDED IN ASSEMBLY MARCH 6, 2008

AMENDED IN ASSEMBLY JULY 16, 2007

AMENDED IN ASSEMBLY JUNE 27, 2007

AMENDED IN SENATE JUNE 4, 2007

AMENDED IN SENATE MAY 15, 2007

SENATE BILL

No. 606

Introduced by Senator Perata

February 22, 2007

An act to amend Section 52055.57 of, and to add ~~Sections 52055.56 and 52055.563~~ *Section 52055.56* to, the Education Code, relating to school district accountability, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 606, as amended, Perata. School district accountability.

(1) Existing law establishes the Immediate Intervention/Underperforming Schools Program, which invites schools that score below the 50th percentile on certain achievement tests to participate in the program, and provides specified funding to those schools. Existing law requires the Superintendent of Public Instruction to take specified actions with regard to a school that is state-monitored under this program if the school has not met certain growth targets.

~~This bill, subject to the availability of funding, would require the Superintendent to establish a unit known as the Instructional Support and Assistance Team under the immediate direction of an appropriate county office of education and advised by a 23-member advisory board.~~

~~The bill would authorize the Superintendent to request the unit to provide assistance to school districts that are in danger of being identified as program improvement local educational agencies, or have been so identified, and would also authorize the unit to provide instructional support and assistance to these local educational agencies if that assistance is requested by that agency or by the appropriate county superintendent of schools.~~

The bill would require the Superintendent to prepare an annual report containing specified information relating to local educational agencies that are subject to corrective action. The bill would require the State Board of Education to place the recommendations made by the Superintendent in this report on its agenda and to vote on these recommendations in a public meeting within 60 days of its receipt of the report. The bill would establish a procedure for the nomination and appointment of ~~administrators, receivers, or trustees~~ for local educational agencies discussed in this report. ~~The bill would authorize the Superintendent to direct the advisory board established under the bill to develop a proposed matrix for adoption by the superintendent to provide updates to the Superintendent for his or her annual report on the status of student achievement in districts in which a trustee has been appointed pursuant to the bill, and would require the Superintendent to request the advisory board to establish a repository of recommended best practices classified as corrective action that shall be made available to all local educational agencies.~~ The bill would authorize the Superintendent to contract with local educational agencies for, or otherwise provide for specified *tools and* procedures, ~~materials, and~~ services to assist local educational agencies that are subject to program improvement, *prioritized, as specified, that will also be used to evaluate them. The bill would require the Superintendent to contract with an independent evaluator to prepare a comprehensive evaluation of local educational agencies in the 3rd year of federal Program Improvement, as specified.*

(2) Existing law requires the State Department of Education to identify local educational agencies that are in danger of being identified within 2 years as program improvement local educational agencies under the federal No Child Left Behind Act of 2001, and to notify those local educational agencies, in writing, of this status and provide those local educational agencies with research-based criteria to conduct a voluntary self-assessment. Under existing law, a local educational agency that is identified for corrective action under the federal No Child

Left Behind Act of 2001 is subject to one or more sanctions recommended by the Superintendent and approved by the state board, including a requirement to contract with a district assistance and intervention team to aid the local educational agency.

This bill would modify the actions required of, or sections applicable to, an identified local educational agency ~~by, among other things, deleting the provision for the Superintendent to require that a local educational agency contract with a district assistance and intervention team and related provisions, and would instead authorize the assigning of a district team.~~

The bill would delete the requirement that implementation of these intervention provisions is subject to the availability of funding in the annual Budget Act, would delete a 2-year maximum for funding of a local educational agency under these intervention provisions, ~~and would require that a local educational agency identified for corrective action be evaluated by the State Department of Education, and be recommended for monitoring, assistance, or sanction on the basis of the evaluated capacity of the school district to correct the conditions that led the agency to be identified, would delete authority for the allocation of funds to program improvement schools, and would make technical and conforming changes.~~

The bill would delete the requirement that an appointed receiver or trustee, under these provisions, act in the place of the county superintendent of schools or the governing board and would, instead would grant the trustee the authority to stay or rescind any action of the governing board or the superintendent of the local educational agency. *This bill would specify requirements for trustees and the scope of their work, as specified.*

(3) The bill would appropriate the sum of ~~\$18,000,000~~ \$47,000,000 from the Federal Trust Fund to the State Department of Education for the purposes of the bill.

(4) *Because this bill would require local agencies to perform additional duties, it would create a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 52055.56 is added to the Education Code,~~
2 ~~immediately following Section 52055.55, to read:~~
3 ~~52055.56. (a) Subject to the availability of funding, the~~
4 ~~Superintendent shall establish a unit to be known as the~~
5 ~~Instructional Support and Assistance Team. The team shall consist~~
6 ~~of persons having knowledge and experience in the delivery of~~
7 ~~instructional support and services in school districts. The~~
8 ~~Superintendent may appoint employees of the department to serve~~
9 ~~on the unit. The unit shall be operated under the immediate~~
10 ~~direction of an appropriate county office of education selected by~~
11 ~~the Superintendent in consultation with the state board.~~
12 ~~(b) The unit established under subdivision (a) shall be advised~~
13 ~~by a 23-member advisory board consisting of one representative~~
14 ~~chosen by the California County Superintendents Educational~~
15 ~~Services Association from each of the 11 county service regions~~
16 ~~designated by the association, 11 superintendents of school districts~~
17 ~~chosen by the Association of California School Administrators~~
18 ~~from each of the 11 county service regions, and the Superintendent~~
19 ~~or his or her designee, who shall chair the board.~~
20 ~~(c) The Superintendent may request the unit to provide~~
21 ~~assistance to school districts that are in danger of being identified~~
22 ~~as program improvement local educational agencies, or have been~~
23 ~~so identified, as described in Section 52055.57, pursuant to the~~
24 ~~federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301~~
25 ~~et seq.).~~
26 ~~(d) In addition to the functions described in subdivision (c), the~~
27 ~~unit shall provide instructional support and assistance to a local~~
28 ~~educational agency that is in danger of being identified as a~~
29 ~~program improvement local educational agency, or has been so~~
30 ~~identified, as described in Section 52055.57, pursuant to the federal~~
31 ~~No Child Left Behind Act of 2001, if that assistance is requested~~
32 ~~by the governing board of the local educational agency or the~~

1 ~~county superintendent of schools having jurisdiction over the local~~
2 ~~educational agency.~~

3 ~~SEC. 2. Section 52005.563~~

4 *SECTION 1.* ~~Section 52055.56 is added to the Education Code,~~
5 ~~immediately following Section 52055.56, to read:~~

6 ~~52055.563.~~

7 52055.56. (a) Commencing on the operative date of the act
8 that adds this section, the Superintendent shall submit an annual
9 report in accordance with this article. The report required by this
10 section shall include all of the following:

11 (1) A list of all local educational agencies identified for program
12 improvement under the federal No Child Left Behind Act of 2001
13 (20 U.S.C. Sec. 6301 et seq.).

14 ~~(2) Recommendations, pursuant to subdivision (c) of Section~~
15 ~~52055.57, to the State Board of Education for each district~~
16 ~~identified under paragraph (1).~~

17 ~~(3)~~

18 (2) A list of all local educational agencies that may face program
19 improvement in the subsequent year.

20 ~~(4)~~

21 (3) An update on student achievement in local educational
22 agencies that were previously identified for program improvement
23 and remain in program improvement.

24 *(4) Recommendations, pursuant to subdivision (c) of Section*
25 *52055.57, to the state board for each district identified in*
26 *paragraph (1).*

27 (b) (1) The Superintendent may require entities authorized to
28 participate under Section 52055.57 to provide information to the
29 department for the purposes of this section. The annual reports
30 required by this section shall be submitted to the state board, the
31 Legislative Analyst Office, the Legislature, ~~and the Department~~
32 ~~of Finance, and impacted local educational agencies~~ no later than
33 January 1 of the appropriate year.

34 (2) The state board shall place the recommendations included
35 in the report prepared under this section on its agenda, and vote
36 on each of these recommendations at a public meeting within 60
37 days of its receipt of the report.

38 (c) In the instances in which the Superintendent recommends,
39 and the state board approves, the appointment of a trustee, the
40 Superintendent shall select the candidate or candidates for trustee

1 and the state board shall review and approve or disapprove the
2 proposed appointment of the candidate or candidates. Once the
3 state board approves the appointment of the trustee, he or she shall
4 have 120 days to develop a self-assessment and plan under Section
5 52055.57 and present them *plan, as required under paragraph (3)*
6 *of subdivision (d), and present it* to the Superintendent and the
7 state board.

8 (d) Notwithstanding any other provision of law:

9 (1) No trustee shall be appointed under this section to a local
10 educational agency to which Section 41329.51 is applicable.

11 (2) Except as set forth in paragraph (1), this article is applicable
12 to any trustee of a local educational agency who has been appointed
13 to assist that agency pursuant to any provision of law, including,
14 but not necessarily limited to, this section.

15 ~~(e) The Superintendent may direct the advisory board established~~
16 ~~under subdivision (b) of Section 52055.56 to develop a proposed~~
17 ~~matrix for adoption by the Superintendent to provide updates to~~
18 ~~the Superintendent for his or her annual report on the status of~~
19 ~~pupil achievement in districts in which a trustee has been appointed~~
20 ~~pursuant to this section. The matrix pursuant to this subdivision~~
21 ~~shall include recommendations to the Superintendent on the local~~
22 ~~educational agency's ability to regain control of its activities, and~~
23 ~~shall also develop a measure of the ability of the trustee to increase~~
24 ~~student achievement. The Superintendent shall request the advisory~~
25 ~~board to establish a repository of recommended best practices~~
26 ~~classified as corrective action that shall be made available to all~~
27 ~~local educational agencies.~~

28 (3) *A local educational agency shall not be assigned a trustee*
29 *prior to submission of a report by a district assistance and*
30 *intervention team to the Superintendent, receipt of funding by the*
31 *local educational agency for this purpose, and issuance of a*
32 *recommendation from the Superintendent to the state board*
33 *approving the assignment of a trustee.*

34 ~~(f)~~

35 (e) Subject to the availability of funding, the Superintendent,
36 *in consultation with local educational agencies*, may contract with
37 one or more local educational agencies for, or may otherwise
38 provide for, the development of any or all of the ~~following~~:
39 *following. If funding is available that would not provide for each*
40 *of these items, the Superintendent shall prioritize them, as follows:*

~~(1) Evaluation procedures that may be used by the department or local educational agencies to prepare evaluations and self-assessments, as provided in subdivision (c) of Section 52055.57.~~

(1) Measures of annual pupil growth and improvement in educational programs that also shall serve as indicators for local educational agencies, and that, if not met, may qualify the local educational agency for further corrective action as specified in Section 52055.57.

(2) A comprehensive list of guidelines to use as a guide to conduct a good educational program for all pupils, and that will also guide the Superintendent in making recommendations pursuant to Section 52055.57.

(3) Procedures that may be used by the department or local educational agencies to prepare evaluations and self-assessments, as provided in subdivision (c) of Section 52055.57.

(4) Programs and materials for the support and development of the administrative, academic, support and teaching staff aids, and instruction for pupils who are eligible for funds under Title I of the federal No Child Left Behind Act.

~~(2)~~

(5) Programs and materials for the support and development of the administrative, academic, and support staff of a local educational agency.

~~(3)~~

(6) Materials and procedures that have been found to be effective in addressing the instructional needs of pupils enrolled in local educational agencies that are subject to program improvement and a protocol for statewide dissemination of these effective practices.

(f) The tools and procedures developed pursuant to subdivision (e) shall be used to evaluate local educational agencies subject to subdivisions (a) and (b) of Section 52055.57.

(g) The Superintendent shall contract with an independent evaluator to prepare a comprehensive evaluation of the implementation, impact, costs, and effectiveness of local educational agencies that received a corrective action by the board in 2008 over a two-year period. An annual report shall be made to the Governor and the Legislature on or before February 1 of each year, followed by a final report that shall be made on or before June 30th. The independent evaluator, along with an

1 *advisory group appointed by the Superintendent, shall ensure that*
2 *the evaluation, at a minimum, includes an examination of the*
3 *following factors:*

4 *(1) Pupil performance data, including, but not limited to, results*
5 *of assessments used to determine whether or not local educational*
6 *agencies have made significant progress towards meeting their*
7 *growth targets.*

8 *(2) Program implementation data, including, but not limited to,*
9 *a review of startup activities, community support, parental*
10 *participation, staff development, activities associated with*
11 *implementation of the program, percentage of fully credentialed*
12 *teachers, percentage of teachers who hold emergency credentials,*
13 *percentage of teachers assigned outside their subject area of*
14 *competence, the accreditation status of the school, if appropriate,*
15 *average class size per grade level, and the number of pupils in a*
16 *multitrack, year-round educational system.*

17 *(3) Pupil performance data and its impact on the Academic*
18 *Performance Index (API), for each of the following subgroups:*

19 *(A) English language learners.*

20 *(B) Pupils with exceptional needs.*

21 *(C) Pupils who are eligible for funds under Title I of the federal*
22 *No Child Left Behind Act of 2001.*

23 *(h) The evaluation shall be provided to the Legislature, the*
24 *Department of Finance, and the Legislative Analyst on or before*
25 *July 1, 2010.*

26 ~~SEC. 3.~~

27 *SEC. 2.* Section 52055.57 of the Education Code is amended
28 to read:

29 52055.57. (a) (1) Any provisions that are applicable to local
30 educational agencies under this section are for the purpose of
31 implementing federal requirements under the federal No Child
32 Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.). The
33 satisfaction of these criteria by local educational agencies that
34 choose to participate under this article shall be a condition of
35 receiving funds pursuant to this section.

36 (2) The department shall identify local educational agencies
37 that are in danger of being identified within two years as program
38 improvement local educational agencies under the federal No Child
39 Left Behind Act of 2001, and shall notify those local educational
40 agencies, in writing, of this status and provide those local

1 educational agencies with research-based criteria to conduct a
2 voluntary self-assessment.

3 (3) The local educational agency's self-assessment shall identify
4 deficiencies within the operations of the local educational agency,
5 and the programs and services of the local educational agency.

6 (4) A local educational agency identified pursuant to paragraph
7 (2) is encouraged to revise its local educational agency plan based
8 on the results of the self-assessment.

9 (5) The program described in this subdivision shall be referred
10 to as the "Early Warning Program."

11 (b) (1) A local educational agency identified as a program
12 improvement local educational agency under the federal No Child
13 Left Behind Act of 2001 shall do all of the following:

14 (A) Conduct a self-assessment using materials and criteria based
15 on current research and provided by the department.

16 (B) No later than 90 days after a local educational agency
17 becomes identified for program improvement, contract with a
18 county office of education or another external entity after working
19 with the county superintendent of schools, for both of the following
20 purposes:

21 (i) Verifying the fundamental teaching and learning needs in
22 the schools of that local educational agency as determined by the
23 local educational agency self-analysis, and identifying the specific
24 academic problems of low-achieving pupils, including a
25 determination of why the prior plan of the local educational agency
26 failed to bring about increased pupil academic achievement.

27 (ii) Ensuring that the local educational agency receives intensive
28 support and expertise to implement local educational agency reform
29 initiatives in the revised local educational agency plan as required
30 by the federal No Child Left Behind Act of 2001.

31 (C) Revise and expeditiously implement the local educational
32 agency plan to reflect the findings of the verified self-assessment.

33 (D) ~~After working consulting with the county superintendent~~
34 ~~of schools or an external verifier contract with or~~, arrange for
35 external assistance with an external provider for support, and
36 implement recommendations to assist the local educational agency
37 in resolving shortcomings identified in the verified self-assessment.

38 (2) (A) Subject to the availability of funds for this purpose, a
39 local educational agency described in paragraph (1) annually may
40 receive fifty thousand dollars (\$50,000), plus ten thousand dollars

1 (\$10,000) for each school that is supported by federal funds
2 pursuant to Title I of the federal No Child Left Behind Act of 2001
3 within the local educational agency, for the purpose of fulfilling
4 the requirements of this subdivision.

5 (B) Subject to the availability of funds appropriated for this
6 purpose, a local educational agency identified as a program
7 improvement local educational agency, shall receive priority for
8 funding based upon the performance of the socioeconomically
9 disadvantaged subgroup of the local educational agency on the
10 Academic Performance Index. Priority for funding shall be
11 provided to the lowest performing local educational agencies that
12 are identified as program improvement local educational agencies.

13 (c) A local educational agency that has been identified for
14 corrective action under the federal No Child Left Behind Act of
15 2001, ~~shall be evaluated by the department, and shall be~~
16 ~~recommended for monitoring, assistance, or sanction on the basis~~
17 ~~of the evaluated capacity of the district to correct the conditions~~
18 ~~that led the agency to be identified and the availability of funding~~
19 ~~specifically appropriated for that purpose. subject to no more than~~
20 ~~one of the following sanctions in a three-year period as~~
21 ~~recommended by the Superintendent and approved by the state~~
22 ~~board.~~

23 (1) A local educational agency that, in the judgment of the
24 Superintendent, has conducted a satisfactory self-assessment,
25 prepared a plan, and is making satisfactory progress towards
26 improving its instructional program, shall be recommended for
27 state monitoring without further intervention.

28 (2) A local educational agency that, in the judgment of the
29 Superintendent, has conducted a self-assessment and needs
30 assistance to implement the plan, or revise and implement the plan,
31 may be recommended for intensive local assistance under the
32 supervision of the county superintendent of schools with
33 jurisdiction over the local educational agency. A local educational
34 agency that is identified for intensive local assistance may be
35 subject to intervention strategies upon the recommendation of the
36 county superintendent.

37 (3) A local educational agency that, in the judgment of the
38 Superintendent, has failed to conduct a satisfactory self-assessment,
39 or prepare a plan, or that is unlikely to make satisfactory progress
40 to correct the conditions that caused the local educational agency

1 to be identified for corrective action, may be recommended for
2 state intervention. A local educational agency that is recommended
3 for state intervention pursuant to this paragraph may be subject to
4 one or more of the following sanctions as recommended by the
5 Superintendent and approved by the state board:

6 (A) Replacing local educational agency personnel who are
7 relevant to the failure to make adequate yearly progress.

8 (B) Removing schools from the jurisdiction of the local
9 educational agency and establishing alternative arrangements for
10 the governance and supervision of those schools.

11 (C) Appointing, by the state board, a trustee, with authority to
12 stay or rescind any action of the governing board or the
13 superintendent of the local educational agency.

14 (D) Abolishing or restructuring the local educational agency.

15 (E) Authorizing pupils to transfer from a school operated by
16 the local educational agency to a higher performing school operated
17 by another local educational agency, and providing those pupils
18 with transportation to those schools, in conjunction with carrying
19 out not less than one additional action described under this
20 paragraph.

21 (F) Instituting and fully implementing a new instructional
22 program consistent with state academic content and achievement
23 standards, including providing appropriate professional
24 development *based on scientifically-based research* for all relevant
25 staff, that offers substantial promise of improving educational
26 achievement for all pupils.

27 (G) Deferring programmatic funds or reducing administrative
28 funds.

29 ~~(H) Assigning of a district assistance and intervention team to~~
30 ~~aid the local educational agency.~~

31 ~~(d) A local educational agency that has received a sanction under~~
32 ~~subdivision (c) and has not exited program improvement under~~
33 ~~the federal No Child Left Behind Act of 2001 shall appear before~~
34 ~~the state board within three years to review the progress of the~~
35 ~~local educational agency. Upon hearing testimony and reviewing~~
36 ~~written data from the local educational agency and the district~~
37 ~~assistance and intervention team or county superintendent of~~
38 ~~schools, the Superintendent shall recommend, and the state board~~
39 ~~may approve, an alternative sanction under subdivision (c).~~

1 ~~(e) For purposes of this article, “local educational agency” means~~
2 ~~a school district, county office of education, or charter school that~~
3 ~~elects to receive its funding directly pursuant to Section 47651,~~
4 ~~and that provides public educational services to pupils in~~
5 ~~kindergarten or any of grades 1 to 12, inclusive.~~

6 ~~(f) For purposes of this section, a “stakeholder” is, but is not~~
7 ~~necessarily limited to, any of the following:~~

8 ~~(1) A parent of a child attending a school within the jurisdiction~~
9 ~~of the local educational agency.~~

10 ~~(2) A community partner of the local educational agency.~~

11 ~~(3) An employee of the local educational agency, as selected~~
12 ~~by the bargaining unit.~~

13 ~~(g) A local educational agency shall not receive funds pursuant~~
14 ~~to subdivision (b) or (c) if it is initially identified for program~~
15 ~~improvement or prevention after July 1, 2009.~~

16 ~~SEC. 4. Notwithstanding Section 16361 of the Government~~
17 ~~Code, the sum of eighteen million dollars (\$18,000,000) is hereby~~
18 ~~appropriated from the Federal Trust Fund to the State Department~~
19 ~~of Education for the purposes of this act.~~

20 ~~(4) (A) In addition to the sanctions described in paragraph (1)~~
21 ~~the Superintendent may recommend, and the state board may~~
22 ~~approve, the requirement that a local educational agency contract~~
23 ~~with a district assistance and intervention team or other entity to~~
24 ~~provide it technical assistance.~~

25 ~~(B) Performance and progress of a local educational agency~~
26 ~~identified for corrective action under the federal No Child Left~~
27 ~~Behind Act of 2001 shall be evaluated by the Superintendent to~~
28 ~~determine the capacity of the district to correct the conditions that~~
29 ~~led the local educational agency to be identified and the availability~~
30 ~~of funding specifically appropriated for that purpose, and if~~
31 ~~recommended by the Superintendent and approved by the state~~
32 ~~board, the following may occur:~~

33 ~~(i) The state board may assign the local educational agency an~~
34 ~~approved district assistance and intervention team.~~

35 ~~(ii) The local educational agency may be required to select an~~
36 ~~approved district assistance and intervention team for the~~
37 ~~state-approved list.~~

38 ~~(iii) The local educational agency may be required to provide~~
39 ~~technical assistance to relevant staff in the local educational~~

1 *agency to remove the barriers that have led to the local educational*
2 *agency being subject to corrective action.*

3 *(iv) The local educational agency may be required to continue*
4 *its actions.*

5 *(C) Not later than 90 days after the assignment of a district*
6 *assistance and intervention team, the team shall complete an initial*
7 *report. The report shall include recommendations for corrective*
8 *actions chosen from a range of interventions, including the*
9 *reallocation of local educational agency fiscal resources to ensure*
10 *that appropriate resources are targeted to those specific*
11 *interventions identified in the recommendations of the team for*
12 *the local educational agency and the targeted schools and other*
13 *changes deemed appropriate to make progress toward meeting*
14 *annual measurable, objective targets, and other criteria for*
15 *adequate yearly progress, and other activities to implement the*
16 *state board sanction.*

17 *(D) Not later than 120 days after assignment of the district*
18 *assistance and intervention team, the governing board of the local*
19 *educational agency shall adopt the report recommendations*
20 *described in subparagraph (C) at a regularly scheduled meeting*
21 *of the governing board. Any subsequent recommendations proposed*
22 *by the district assistance and intervention team shall be submitted*
23 *to the governing board and shall be adopted by the governing*
24 *board within 30 days of the submission. The governing board shall*
25 *not place the adoption on the consent calendar. The report*
26 *recommendations and any subsequent recommendations adopted*
27 *by the governing board pursuant to this subparagraph shall be*
28 *submitted to the Superintendent and the state board.*

29 *(E) Following the adoption of the report recommendations and*
30 *any subsequent recommendations by the governing board of the*
31 *local educational agency pursuant to subparagraph (D), the*
32 *governing board may submit an appeal to the Superintendent for*
33 *relief from one or more of the recommendations not later than 120*
34 *days after assignment of the district assistance and intervention*
35 *team. The Superintendent, with approval of the state board, may*
36 *grant relief from compliance with a recommendation of the district*
37 *assistance and intervention team. If a district assistance and*
38 *intervention team does not fulfill its legal obligations pursuant to*
39 *this section, the governing board of the school district may seek*
40 *permission from the Superintendent, with the approval of the state*

1 board, to contract with a different district assistance and
2 intervention team, or another entity, to provide technical
3 assistance. Upon an evidence-based finding that the district
4 assistance and intervention team has not fulfilled its legal
5 obligations pursuant to this section, the Superintendent, with the
6 approval of the state board, may remove the district assistance
7 and intervention team from the state list of eligible providers.

8 (F) If the local educational agency assigned to contract with a
9 district assistance and intervention team fails to implement the
10 corrective action required by the state board or the
11 recommendation of the district assistance and intervention team,
12 the team may recommend that the Superintendent review the
13 progress of the local educational agency identified in this
14 subdivision and the Superintendent may recommend to the state
15 board that it take further action.

16 (5) Subject to the availability of funds in the annual Budget Act
17 for this purpose, if the state board requires a local educational
18 agency to contract with a district assistance and intervention team
19 pursuant to paragraph (4), the local educational agency annually
20 may receive fifty thousand dollars (\$50,000), plus ten thousand
21 dollars (\$10,000) for each school that is supported by federal funds
22 pursuant to Title I of the federal No Child Left Behind Act of 2001
23 within the local educational agency, for no more than two years,
24 for the purpose of contracting with and implementing the
25 recommendations of the district assistance and intervention team.

26 (6) Not later than January 31, 2006, the Superintendent shall
27 develop and the state board shall approve, standards and criteria
28 to be applied by a district assistance and intervention team in
29 carrying out its duties. The standards and criteria shall include
30 all of the following areas:

31 (A) Governance.

32 (B) Alignment of curriculum, instruction, and assessments to
33 state standards.

34 (C) Fiscal operations.

35 (D) Parent and community involvement.

36 (E) Human resources.

37 (F) Data systems and achievement monitoring.

38 (G) Professional development.

39 (d) If the Superintendent recommends, and the state board
40 approves, the appointment of a trustee pursuant to subparagraph

1 (C) of paragraph (3) of subdivision (c), the following conditions
2 shall apply:

3 (1) Prior to the appointment of a trustee, the Superintendent
4 shall recommend to the state board the assignment of a specific
5 district assistance and intervention team to assess the capacity of
6 the local educational agency relative to governance, academic
7 issues, and fiscal and human resources. The district assistance
8 and intervention team shall submit a report to the Superintendent
9 for approval by the state board regarding the needs of the local
10 educational agency to have a trustee appointed.

11 (2) The Superintendent shall select the candidate or candidates
12 for trustee and the state board shall review and approve or
13 disapprove the proposed appointment of the candidate or
14 candidates. If a trustee is appointed to act on behalf of the
15 Superintendent, the trustee shall act in accordance with all of the
16 following:

17 (A) The trustee shall serve under the direction and supervision
18 of the Superintendent until terminated by the Superintendent at
19 his or her discretion. The Superintendent shall consult with the
20 county superintendent of schools before terminating the trustee.

21 (B) The trustee shall have recognized expertise in governance,
22 parent and community involvement, personnel, management,
23 finance, curriculum and instruction, and standards to improve
24 student achievement.

25 (3) The authority of the trustee to stay or rescind an action of
26 the county superintendent or governing board of the local
27 educational agency is limited to areas contained in the
28 self-assessment made pursuant to subdivision (c) of Section
29 52055.57.

30 (4) To facilitate the appointment of the trustee and the
31 employment of any necessary staff, for the purposes of this section,
32 the Superintendent is exempt from the requirements of Article 6
33 (commencing with Section 999) of Chapter 6 of Division 4 of the
34 Military and Veterans Code and Part 2 (commencing with Section
35 10100) of the Public Contract Code.

36 (5) Notwithstanding any other law, the Superintendent may
37 appoint a qualified individual to act as the trustee for up to the
38 duration of the trusteeship. During the tenure of his or her
39 appointment, the trustee, if he or she is an employee of the state
40 or of the office of the county superintendent of schools, is an

1 employee of the school district, but shall remain in the same
2 retirement system, under the same plan, that has been provided
3 by his or her employment with the state or the office of the county
4 superintendent of schools. Upon the expiration or termination of
5 the appointment, the employee shall have the right to return to his
6 or her former position, or to a position at substantially the same
7 level as that position, with the state or with the office of the county
8 superintendent of schools. The time served in the appointment
9 shall be counted for all purposes as if the administrator had served
10 that time in his or her former position with the state or with the
11 office of the county superintendent of schools.

12 (6) An individual who is appointed as a trustee by the
13 Superintendent pursuant to subparagraph (C) of paragraph (3)
14 of subdivision (c) shall be a member of the State Teachers'
15 Retirement System, if qualified, for the period of service as a
16 trustee, unless he or she elects, in writing, not to become a member.
17 A person who is a member or a retired member of the State
18 Teachers' Retirement System at the time of appointment shall
19 continue to be a member or a retired member of the system for the
20 duration of the appointment. If the trustee chooses to become a
21 member, or is already a member, the trustee shall be placed on
22 the payroll of the school district for the purpose of providing
23 appropriate contributions to the system. The Superintendent also
24 may require the trustee to be placed on the payroll of the school
25 district for purposes of remuneration, other benefits, and payroll
26 deductions.

27 (7) For the purposes of workers' compensation benefits, the
28 trustee is an employee of the qualifying district, except that a
29 trustee appointed pursuant to paragraph (4) may be deemed an
30 employee of the state or office of the county superintendent of
31 schools, as applicable.

32 (8) The qualifying district shall add the trustee as a covered
33 employee of the school district for purposes of errors and omissions
34 liability insurance policies.

35 (9) The salary and benefits of the trustee shall be established
36 by the Superintendent and paid by the qualifying school district.

37 (10) The Superintendent or the trustee, on a short-term basis,
38 may employ, at district expense, any staff necessary to assist the
39 trustee.

1 (11) *The Superintendent shall develop a scope of work for the*
2 *trustee based upon the recommendation made by the district*
3 *assistance and intervention team pursuant to subparagraph (A)*
4 *of paragraph (4). The trustee may do all of the following:*

5 (A) *Implement substantial changes in the curricular policies*
6 *and practices of the district.*

7 (B) *Revise the educational program of the district.*

8 (C) *Consult, for the purposes described in this subdivision, with*
9 *the governing board of the school district, the exclusive*
10 *representative of the employees of the district, parents, the*
11 *community, and pupils.*

12 (D) *Consult with, and seek recommendations from, the*
13 *Superintendent and the county superintendent of schools.*

14 (12) (A) *Not later than 90 days after the selection of a trustee,*
15 *the trustee shall complete an initial report that includes*
16 *recommendations made by the district assistance and intervention*
17 *team pursuant to subparagraph (A) of paragraph (4) deemed*
18 *appropriate to make progress toward meeting annual measurable*
19 *objective targets and other criteria for adequate yearly progress,*
20 *other activities to implement the state board sanction, and criteria*
21 *for the departure of the trustee.*

22 (B) *Not later than 120 days after the selection of the trustee,*
23 *the governing board of the local educational agency shall adopt*
24 *the report recommendations described in subparagraph (A) at a*
25 *regularly scheduled meeting of the governing board. Any*
26 *subsequent recommendations proposed by the trustee shall be*
27 *submitted to the governing board and shall be adopted by the*
28 *governing board within 30 days of the submission. The governing*
29 *board shall not place the adoption on the consent calendar. The*
30 *report recommendations and any subsequent recommendations*
31 *adopted by the governing board pursuant to this subparagraph*
32 *shall be submitted to the Superintendent and the state board.*

33 (C) *Following the adoption of the report recommendations and*
34 *any subsequent recommendations by the governing board of the*
35 *local educational agency pursuant to subparagraph (B) the*
36 *governing board may submit an appeal to the Superintendent for*
37 *relief from one or more of the recommendations. The*
38 *Superintendent, with approval of the board, may grant relief from*
39 *compliance with a recommendation of the trustee.*

1 (D) *The trustee shall receive reports from the local educational*
2 *agency no less than three times during the year on the progress*
3 *towards meeting the goals established in the report pursuant to*
4 *subparagraph (A).*

5 (13) *Any administrator or trustee appointed by the*
6 *Superintendent, with the approval of the state board, prior to the*
7 *date upon which this section goes into effect and becomes operative*
8 *is prohibited from exercising any authority in that capacity and*
9 *his or her services will be terminated within 10 days of the date*
10 *upon which this section goes into effect and becomes operative.*

11 (e) *A local educational agency to which a corrective action has*
12 *been applied pursuant to subdivision (c) and that has not exited*
13 *program improvement under the federal No Child Left Behind Act*
14 *of 2001 may be required by the Superintendent to appear before*
15 *the state board at any time within three years to review the*
16 *progress of the local educational agency. Upon hearing testimony*
17 *and reviewing written data from the local educational agency, the*
18 *community, parents, and pupils, and the district assistance and*
19 *intervention team or county superintendent of schools, the*
20 *Superintendent shall recommend, and the state board may approve,*
21 *an alternative sanction under subdivision (c).*

22 (f) *Based upon the progress of the local educational agency on*
23 *interim measures of academic and organizational improvement*
24 *defined in subdivision (e) of Section 52055.563, the contract for*
25 *a district assistance and intervention team or a trustee assigned*
26 *to work with a local educational agency may be terminated after*
27 *no fewer than two Academic Performance Index (API) reporting*
28 *cycles.*

29 (g) *For purposes of this article, “local educational agency”*
30 *means a school district, county office of education, or charter*
31 *school that elects to receive its funding directly pursuant to Section*
32 *47651, and that provides public educational services to pupils in*
33 *kindergarten or any of grades 1 to 12, inclusive.*

34 (h) *For purposes of this section, a “stakeholder” includes, but*
35 *is not necessarily limited to, any of the following:*

36 (1) *A parent or guardian of a pupil attending a school within*
37 *the jurisdiction of the local educational agency.*

38 (2) *An employee of the local educational agency, as selected*
39 *by the bargaining unit.*

1 (3) *A pupil attending school within the jurisdiction of the local*
2 *educational agency.*

3 (i) *Nothing in this article shall be construed to alter, abrogate,*
4 *or to otherwise affect the rights, remedies, and procedures afforded*
5 *school district employees under any other state or federal law, or*
6 *under the terms of a collective bargaining agreement, memoranda*
7 *of understanding, or other agreement between a school district*
8 *employee and his or her employer.*

9 (j) *A local educational agency shall not receive funds pursuant*
10 *to subdivision (b) or (c) if it initially identified for program*
11 *improvement or prevention after July 1, 2009.*

12 SEC. 3. *If the Commission on State Mandates determines that*
13 *this act contains costs mandated by the state, reimbursement to*
14 *local agencies and school districts for those costs shall be made*
15 *pursuant to Part 7 (commencing with Section 17500) of Division*
16 *4 of Title 2 of the Government Code.*

17 SEC. 4. *Notwithstanding Section 16361 of the Government*
18 *Code, forty-seven million dollars (\$47,000,000) is hereby*
19 *appropriated from the Federal Trust Fund to the State Department*
20 *of Education for local educational agencies identified for corrective*
21 *action in the 2007–08 fiscal year, pursuant to the federal No Child*
22 *Left Behind Act of 2001. The funds shall be distributed as follows:*

23 (a) *Two hundred twenty-five thousand (\$225,000) shall be*
24 *allocated to each local educational agency that is required by the*
25 *State Board of Education to contract with a district assistance and*
26 *intervention team pursuant to paragraph (2) of subdivision (c) of*
27 *Section 56055.57 of the Education Code.*

28 (b) *Seventy-five thousand dollars (\$75,000) shall be allocated*
29 *to each local educational agency that is required by the State*
30 *Board of Education to receive targeted technical assistance*
31 *pursuant to subparagraph (F) of paragraph (1) of subdivision (c)*
32 *of Section 56055.57 of the Education Code.*

33 (c) *Eight hundred thousand dollars (\$800,000) for the evaluation*
34 *conducted pursuant to paragraph (3) of subdivision (b) of Section*
35 *52055.562 of the Education Code.*

36 (d) *One million two hundred thousand dollars (\$1,200,000) to*
37 *fund eight positions, and related expenses, necessary to administer*
38 *this act.*

39 (e) *The remaining funds shall be allocated to local educational*
40 *agencies on the basis of an equal amount per pupil who is eligible*

1 *for funds under Title I of the federal No Child Left Behind Act of*
2 *2001 (20 U.S.C. Dec. 6301 et seq.) for the purposes of improving*
3 *pupil achievement. Local educational agencies that are required*
4 *by the State Board of Education to contract with a district*
5 *assistance and intervention team pursuant to paragraph (2) of*
6 *subdivision (c) of Section 56055.57 of the Education Code shall,*
7 *at a minimum, receive thirty thousand dollars (\$30,000) for this*
8 *purpose.*
9 *SEC. 5. If the United States Congress does not reauthorize the*
10 *federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et*
11 *seq.), a local educational agency that is not currently subject to*
12 *this act shall not become subject to its provisions.*